

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Central Essex Community Services

St Peters Hospital
32A Spital Road
Maldon
Essex
CM9 6EG

I, John Niland, Managing Director, of Central Essex Community Services, for and on behalf of Central Essex Community Services hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Central Essex Community Services is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by Central Essex Community Services and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") was provided with a report by the data controller that a Birth Book was missing from an office used by Health Visitors. The Birth Book contained limited sensitive personal data relating to 249 children and up to 249 mothers.
3. The Birth Book was supposed to be locked in a filing cabinet on the premises in accordance with the data controller's policy. However, the policy was not followed in this instance due to a lack of lockable storage and was stored on top of a filing cabinet in a locked office. An extensive search was conducted when the data controller realised the Birth Book was missing but it has not been found. The Commissioner has noted that the data controller has taken substantial remedial measures in response to this incident.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act. The Commissioner has also considered the fact that some of the data lost in this incident consisted of information as to the physical or mental health of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.
5. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

1. Sufficient measures are in place for the storage of paper medical records and these are sufficiently adequate to prevent unauthorised access to, accidental loss or destruction of, or damage to personal data;
2. All staff are aware of the data controller's policies for the storage and use of personal data and the management of patient records, and are appropriately trained how to follow that policy;
3. Compliance with the data controller's policies on data protection and records management is appropriately and regularly monitored;
4. The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

ICO Ref: ENF0406459



Dated.....

Signed.....

John Niland
Managing Director
Central Essex Community Services

Signed.....

Sally Anne Poole
Head of Enforcement
For and on behalf of the Information Commissioner